

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JUAN MANUEL REYES,

Plaintiff,

v.

SUSAN WASHBURN, Superintendent of EOCI, **ANDREA NEISTADT**, Assistant Superintendent of EOCI, **L. LEGORE**, Law Library Supervisor of EOCI, **C. BOLLES**, Law Library Coordinator, **CAPT. J. WALKER**, Operations Capt., **CAPT. T. STEWART**, Institutional Capt., **P. VILLERS**, Law Library Coordinator of E.O.C.I., and **MS. M. JOHNSON**, Law Library Coordinator of E.O.C.I.,

Defendants.

Case No. 2:21-cv-01175-SB

**OPINION AND ORDER ADOPTING
JUDGE BECKERMAN'S FINDINGS
AND RECOMMENDATION
GRANTING IN PART AND DENYING
IN PART DEFENDANTS' MOTION
TO DISMISS**

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Molly K. Honore, Chad A. Naso, Jermaine Brown, Kerry J. Shepherd, R. Kyle Busse, and April Stone, Markowitz Herbold PC, 1455 SW Broadway, Suite 1900, Portland, OR 97201. Attorneys for Defendants.

IMMERGUT, District Judge.

This Court has reviewed de novo the portions of Judge Beckerman’s Findings and Recommendation (“F&R”) to which Plaintiff objected. *See* ECF 70. Defendants did not object to the F&R. *See* ECF 74 at 7 (“Defendants do not object to the Findings and Recommendation.”). Following its review, this Court ADOPTS Judge Beckerman’s F&R, ECF 63.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

Judge Beckerman’s F&R, ECF 63, is adopted in full. This Court GRANTS in part and DENIES in part Defendants’ Motion to Dismiss, ECF 50. Plaintiff has thirty (30) days to file a Third Amended Complaint.

IT IS SO ORDERED.

DATED this 30th day of January, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge